

CONSOLIDATED CHECKLIST C10

Standards for the Management of Used Oil 40 CFR Part 279 as of **December 31, 2002**

Notes:

1) **No final rules affecting 40 CFR Part 279 were promulgated between June 30, 2002 and December 31, 2002, therefore, this Consolidated Checklist corresponds to 40 CFR Part 279 as published on July 1, 2002.**

2) The preamble to the September 10, 1992 rule (57 FR 41566; Revision Checklist 112) indicated that none of the provisions of that rule were being promulgated pursuant to HSWA. Therefore, the Part 279 regulations would not be enforceable in an authorized State until the State had received authorization for Revision Checklist 112. After publication of the September 10, 1992 rule, EPA realized that its position, making all provisions of that rule non-HSWA, was arguably inconsistent with statements made in the preamble of the November 29, 1985 rule (50 FR 49201; Revision Checklist 19) which promulgated 266, Subpart E. Those provisions were issued under HSWA authority and are recodified in certain portions of Part 279 (specifically, 279.10, 279.11 and portions of 279.1 and Subparts G and H of Part 279) by the September 10, 1992 rule. In the May 3, 1993 rule (58 FR 26420; Revision Checklist 122), EPA, thus, redesignated these provisions in Part 279 as HSWA because they were originally promulgated under HSWA authority. These provisions will continue to be enforced by EPA until a State becomes authorized for them. States already authorized for the Part 266, Subpart E provisions will continue to enforce these provisions until the State becomes authorized for Part 279. For this checklist, the HSWA provisions are designated by a "E" (diamond symbol).

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE

PART 279 - STANDARDS FOR THE MANAGEMENT OF USED OIL

SUBPART A - DEFINITIONS

DEFINITIONS

terms defined in sections 260.10, 261.1 and 280.12 have same meanings in Part 279	112	279.1					
"aboveground tank"	112	279.1					
"container"	112	279.1					
"do-it-yourselfer used oil collection center"	112	279.1					
"existing tank"	112	279.1					
"household 'do-it-yourselfer' used oil"	112	279.1					
"household 'do-it-yourselfer' used oil generator"	112	279.1					
"new tank"	112	279.1					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
"petroleum refining facility"	130	279.1					
"processing"	112	279.1					
"re-refining distillation bottoms"	112	279.1					
"tank"	112	279.1					
È "used oil"	112,122	279.1					
"used oil aggregation point"	112	279.1					
È "used oil burner"	112	279.1					
"used oil collection center"	112	279.1					
È "used oil fuel marketer"	112	279.1					
"used oil generator"	112	279.1					
1 "used oil processor/ re-refiner"	112	279.1					
"used oil transfer facility"	112,†130	279.1					
"used oil transporter"	112	279.1					

SUBPART B - APPLICABILITY

APPLICABILITY

section identifies materials subject to regulation as used oil under Part 279; also identifies some materials which are not so regulated and indicates if subject to Parts 260-266, 268, 270 and 124	112	279.10					
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CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
EPA presumes used oil is to be recycled unless used oil handler disposes of it or sends it for disposal; except as provided in 279.11, used oil is subject to regulation under Part 279, regardless of whether it exhibits a 261 Subpart C characteristic	112	279.10(a)					
mixtures of used oil and hazardous waste	112	279.10(b)					
listed hazardous waste	112	279.10(b)(1)					
mixtures of used oil and hazardous waste listed in 261 Subpart D subject to regulation as hazardous waste under Parts 260-266, 268, 270 and 124 rather than as used oil under Part 279	112	279.10(b)(1)(i)					
used oil containing >1000 ppm total halogens presumed to be hazardous waste; presumption may be rebutted by demonstrating that the used oil does not contain hazardous waste; example from SW-846; where to obtain SW-846	112,130	279.10(b)(1)(ii)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins if processed to reclaim metalworking oils/fluids; presumption does apply to metalworking oils/fluids if such oils/fluids are recycled in any other manner or disposed	112	279.10(b)(1)(ii)(A)					
rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation; presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units	112	279.10(b)(1)(ii)(B)					
2,3 mixtures of used oil and hazardous waste that solely exhibit one or more of the 261, Subpart C hazardous waste characteristics and mixtures of used oil and hazardous waste that are listed in subpart D solely because they exhibit one or more of the characteristics of hazardous waste identified in subpart C, are subject to:	112,122	279.10(b)(2)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
Ē except as 279.10(b)(2)(iii) provides, regulation under Parts 260-266, 268, 270 and 124 if mixture exhibits any 261, Subpart C hazardous waste characteristics	112	279.10(b)(2)(i)					
Ē if the mixture does not exhibit any 261, Subpart C hazardous waste characteristics, it is regulated under Part 279; exception	112,122	279.10(b)(2)(ii)					
Ē mixture is regulated under Part 279 if waste mixed with oil is hazardous solely because it exhibits the characteristic of ignitability, provided resultant mixture does not exhibit the 261.21 characteristic of ignitability	112,122,1 30	279.10(b)(2)(iii)					
Ē mixtures of used oil and conditionally exempt small quantity generator hazardous waste regulated under 261.5 are subject to regulation as used oil under Part 279	112	279.10(b)(3)					
4 materials containing or otherwise contaminated with used oil	112,122	279.10(c)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
except as provided in 279.10(c)(2), materials containing or otherwise contaminated with used oil from which used oil has been properly drained or removed such that no visible signs of free-flowing oil remain in or on material:	122	279.10(c)(1)					
are not used oil; not subject to Part 279	122	279.10(c)(1)(i)					
subject to Parts 124, 260-266, 268, and 270 if applicable	122	279.10(c)(1)(ii)					
materials containing or otherwise contaminated with used oil that are burned for energy recovery subject to Part 279	122	279.10(c)(2)					
used oil drained or removed from materials containing or otherwise contaminated with used oil subject to Part 279	122	279.10(c)(3)					
mixtures of used oil with products	112	279.10(d)					
except as provided in 279.10(d)(2), mixtures of used oil and fuels or other fuel products are subject to Part 279	112,122	279.10(d)(1)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
used oil and diesel fuel mixed on-site by the generator for use in the generator's own vehicles not subject to Part 279 after mixing; prior to mixing used oil is subject to 279, Subpart C	112	279.10(d)(2)					
materials derived from used oil	112	279.10(e)					
materials reclaimed from used oil that are used beneficially and not burned for energy recovery or used in a manner constituting disposal are:	112	279.10(e)(1)					
not used oil and not subject to Part 279	112	279.10(e)(1)(i)					
not solid wastes, and not subject to Parts 260-266, 268, 270 and 124	112	279.10(e)(1)(ii)					
materials produced from used oil burned for energy recovery are subject to Part 279	112	279.10(e)(2)					
except as provided in 279.10(e)(4), materials derived from used oil that are disposed of or used in a manner constituting disposal are:	112	279.10(e)(3)					
not used oil and not subject to Part 279	112	279.10(e)(3)(i)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
are solid waste and are subject to Parts 260-266, 268, 270 and 124 if the materials are listed or identified as hazardous waste	112,122	279.10(e)(3)(ii)					
used oil re-refining distillation bottoms used as feedstock to manufacture asphalt products are not subject to this part	112,122	279.10(e)(4)					
5 removed	112,122	279.10(e)(4)(i)&(ii)					
CWA, Section 402 or 307, wastewater contaminated with <i>de minimis</i> quantities of used oil not subject to Part 279; definition of <i>de minimis</i> ; exception does not apply if used oil is discarded as result of abnormal manufacturing operations resulting in substantial releases or to used oil recovered from wastewaters	112	279.10(f)					
6 used oil mixed with crude oil or natural gas liquids for insertion into a crude oil pipeline is exempt from the Part 279 requirements; this used oil is subject to Part 279 requirements prior to mixing of used oil with crude oil or natural gas liquids	112,†130	279.10(g)(1)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
†,6 mixtures of used oil and crude oil or natural gas liquids containing less than 1% used oil that are being stored or transported to crude oil pipeline or petroleum refining facility for insertion into refining process at a point prior to crude distillation or catalytic cracking are exempt from the Part 279 requirements	130	279.10(g)(2)					
†,6 used oil inserted into petroleum refining facility process before crude distillation or catalytic cracking without prior mixing with crude oil is exempt from the Part 279 requirements provided used oil constitutes less than 1% of crude oil feed to any petroleum facility process unit at any time; this used oil is subject to Part 279 requirements prior to insertion into the petroleum refining facility process	130	279.10(g)(3)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
†,6 except as provided in 279.10(g)(5), used oil introduced into petroleum refining facility process after crude distillation or catalytic cracking is exempt from the Part 279 requirements only if used oil meets 279.11 specifications; this used oil is subject to Part 279 requirements prior to insertion into petroleum refining facility process	130	279.10(g)(4)					
†,6 used oil incidentally captured by hydrocarbon recovery system or wastewater treatment system as part of routine process operations at petroleum refining facility and inserted into the petroleum refining facility process is exempt from the Part 279 requirements; exemption does not extend to used oil intentionally introduced into a hydrocarbon recovery system	130	279.10(g)(5)					
†,6 tank bottoms from stock tanks containing exempt mixtures of used oil and crude oil or natural gas liquids are exempt from the Part 279 requirements	130	279.10(g)(6)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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used oil produced on vessels from normal shipboard operations is not subject to Part 279 until it is transported ashore	112	279.10(h)					
7,8 used oil containing PCBs; marketers and burners of used oil containing quantifiable level of PCBs subject to 40 CFR 761.20(e) in addition to Part 279	112,122,† 166	279.10(i)					

USED OIL SPECIFICATIONS

È used oil burned for energy recovery and fuel produced from treatment of used oil is subject to Part 279 unless it is shown not to exceed allowable levels of specific constituents and properties in Table 1; once used oil no longer exceeds specifications and there is compliance with 279.72, 279.73 & 279.74(b), then not subject to Part 279	112	279.11					
È "Used Oil Not Exceeding Any Specification Level Is Not Subject to This Part When Burned for Energy Recovery"; lists constituents/properties and allowable levels; note regarding applicable standards for burning used oil containing PCBs	112	279.11, Table 1					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
†,Ë, 9 after Table 1, add note regarding applicable standards for burning used oil containing PCBs	122	279.11, Table 1, note					
PROHIBITIONS							
used oil shall not be managed in surface impoundments or waste piles unless those units are subject to Parts 264 or 265	112	279.12(a)					
use of used oil as a dust suppressant is prohibited, except in States listed in 279.82(c)	112	279.12(b)					
off-specification used oil fuel may be burned in:	112	279.12(c)					
industrial furnaces identified in 260.10	112	279.12(c)(1)					
specific boilers:	112	279.12(c)(2)					
industrial boilers on the site of a facility engaged in a manufacturing process where substances are transformed into new products by mechanical or chemical processes	112	279.12(c)(2)(i)					
utility boilers used to produce electric power, steam, heated or cooled air, or gases or fluids for sale	112	279.12(c)(2)(ii)					
used oil-fired space heaters if burner meets 279.23 provisions	112	279.12(c)(2)(iii)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

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				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
hazardous waste incinerators subject to regulation under subpart O of 264 or 265	122	279.12(c)(3)					

SUBPART C - STANDARDS FOR USED OIL GENERATORS

APPLICABILITY

definition of used oil generator; 279 Subpart C applies to all used oil generators except:	112	279.20(a)					
household "do-it-yourselfer" used oil generators	112	279.20(a)(1)					
vessels, until the used oil is transported ashore; definition of co-generators; decision as to which party will fulfill Part 279 requirements	112	279.20(a)(2)					
diesel fuel and used oil mixed by the used oil generator for use in generator's own vehicles, after mixing; prior to mixing the used oil is subject to Part 279	112	279.20(a)(3)					
farmers who generate an average of ≤ 25 gallons per month from vehicles or machinery used on the farm in a calendar year	112	279.20(a)(4)					
used oil generators who conduct specific activities are subject to the requirements of other applicable provisions of Part 279	112	279.20(b)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
except under 279.24(a)&(b), generators who transport used oil must also comply with Subpart E of Part 279	112	279.20(b)(1)					
10 except as provided in 279.20(b)(2)(ii), generators who process or re-refine used oil must also comply with Subpart F of Part 279	112,130	279.20(b)(2)(i)					
10 generators who perform the following activities are not processors provided the used oil is generated on-site and is not being sent off-site to a burner of on- or off-specification used oil fuel:	130	279.20(b)(2)(ii)					
10 filtering, cleaning, or otherwise reconditioning used oil before returning it for reuse by generator	130	279.20(b)(2)(ii)(A)					
10 separating used oil from wastewater generated on-site to make the wastewater acceptable for discharge or reuse under CWA or other applicable Federal regulations governing the management or discharge of wastewaters	130	279.20(b)(2)(ii)(B)					
10 using oil mist collectors to remove small droplets of used oil from in-plant air to make plant air suitable for continued recirculation	130	279.20(b)(2)(ii)(C)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

	FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
					EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
10	draining or removing used oil from materials containing or contaminated with used oil in order to remove excessive oil pursuant to 279.10(c)	130	279.20(b)(2)(ii)(D)					
10	filtering, separating or reconditioning used oil before burning it in a space heater pursuant to 279.23	130	279.20(b)(2)(ii)(E)					
	generators who burn off-specification used oil for energy recovery, except under 279.23, must also comply with Subpart G of Part 279	112	279.20(b)(3)					
	generators who direct shipments of off-specification used oil from their facility to a used oil burner or first claim that used oil that is to be burned for energy recovery meets 279.11 specifications must also comply with Subpart H of Part 279	112	279.20(b)(4)					
	generators who dispose of used oil must also comply with Subpart I of Part 279	112	279.20(b)(5)					
HAZARDOUS WASTE MIXING								
	mixtures of used oil and hazardous waste must be managed in accordance with 279.10(b)	112,122	279.21(a)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
the rebuttable presumption of 279.10(b)(1)(ii) applies to used oil managed by generators; used oil containing >1,000 ppm total halogens is presumed to be hazardous and must be managed as such; does not apply to certain metalworking oils/fluids and certain used oils removed from refrigeration units	112	279.21(b)					
USED OIL STORAGE							
used oil generators are subject to applicable Spill Prevention, Control and Countermeasures (40 CFR Part 112) and Underground Storage Tank (40 CFR Part 280) standards for used oil stored in underground tanks, whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the Part 279, Subpart C requirements	112,122	279.22					
used oil generators may not store used oil in units other than tanks, containers, or units subject to Parts 264 or 265	112	279.22(a)					
containers and aboveground tanks must be:	112	279.22(b)					
in good condition	112	279.22(b)(1)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
not leaking	112	279.22(b)(2)					
labels	112	279.22(c)					
containers and aboveground tanks must be clearly marked "Used Oil"	112	279.22(c)(1)					
fill pipes used to transfer used oil into underground storage tanks must be clearly marked "Used Oil"	112	279.22(c)(2)					
on detection of a release of used oil to the environment that is not subject to Part 280, Subpart F, and which has occurred after the effective date of the recycled used oil management program in effect in the State in which the release is located, a generator must perform these cleanup steps:	112, †166	279.22(d)					
11 stop the release	112	279.22(d)(1)					
11 contain the released used oil	112	279.22(d)(2)					
11 clean up and properly manage the released used oil and other materials	112	279.22(d)(3)					
repair or replace any leaking used oil storage containers or tanks prior to returning them to service	112, †166	279.22(d)(4)					

ON-SITE BURNING IN SPACE HEATERS

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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Ē,12 generators may burn used oil in used oil-fired space heaters if:	112,122	279.23					
Ē,12 the heater burns only used oil generated by the owner/operator or received from household do-it-yourself used oil generators	112,122	279.23(a)					
Ē,12 the heater is designed to have a maximum capacity ≤0.5 million Btu/hour	112,122	279.23(b)					
Ē,12 the combustion gases are vented to the ambient air	112,122	279.23(c)					

OFF-SITE SHIPMENTS

except as provided in 279.24(a)-(c), generators must ensure their used oil is transported only by transporters with EPA ID numbers	112	279.24					
generators, without an EPA ID number, may transport used oil generated at the generator's site and used oil collected from household do-it-yourselfers to a used oil collection center if:	112	279.24(a)					
the generator transports the used oil in a vehicle owned by the generator or by an employee of the generator	112	279.24(a)(1)					
≤55 gallons is transported at any time	112	279.24(a)(2)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
the used oil is transported to a used oil collection center that is registered, licensed, permitted or recognized by a state/county/-municipal government to manage used oil	112	279.24(a)(3)					
generators, without an EPA ID number, may transport used oil generated at the generator's site to an aggregation point if:	112	279.24(b)					
the generator transports the used oil in a vehicle owned by the generator or by an employee of the generator	112	279.24(b)(1)					
≤55 gallons is transported at any time	112	279.24(b)(2)					
the generator transports the used oil to an aggregation point owned and/or operated by the same generator	112	279.24(b)(3)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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used oil generators may arrange for used oil to be transported by a transporter without an EPA ID number if the used oil is reclaimed under a contractual agreement ("tolling arrangement") pursuant to which the reclaimed oil is returned by the processor/re-refiner to the generator for use as a lubricant, cutting oil or coolant; what the tolling arrangement must indicate:	112	279.24(c)					
type of used oil and frequency of shipments	112	279.24(c)(1)					
that the vehicle used to transport the used oil to the processing/re-refining facility and to deliver recycled used oil back to the generator is owned and operated by the used oil processor/re-refiner	112	279.24(c)(2)					
reclaimed oil will be returned to the generator	112	279.24(c)(3)					

SUBPART D - STANDARDS FOR USED OIL COLLECTION CENTERS
AND AGGREGATION POINTS

DO-IT-YOURSELFER USED OIL COLLECTION CENTERS

section applies to owners/operators of do-it-yourselfer (DIY) used oil collection centers; definition of DIY used oil collection center	112	279.30(a)					
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CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

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owners/operators of DIY used oil collection centers must comply with the generator standards in Subpart C of Part 279	112	279.30(b)					

USED OIL COLLECTION CENTERS

section applies to owners/operators of used oil collection centers; definition of used oil collection center; such centers may accept used oil from household DIYs	112	279.31(a)					
owners/operators must:	112	279.31(b)					
comply with the generator standards in Subpart C of Part 279	112	279.31(b)(1)					
be registered/licensed/permi tted/recognized by a state/county/municipal government to manage used oil	112	279.31(b)(2)					

USED OIL AGGREGATION POINTS OWNED BY THE GENERATOR

section applies to owners/operators of used oil aggregation points; definition of used oil aggregation point; such points may accept oil from household DIYs	112	279.32(a)					
owners/operators must comply with the generator standards in Subpart C of Part 279	112	279.32(b)					

SUBPART E - STANDARDS FOR USED OIL TRANSPORTER AND TRANSFER FACILITIES

APPLICABILITY

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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definition of used oil transporters; Subpart E of Part 279 applies to all used oil transporters except:	112	279.40(a)					
on-site transportation	112	279.40(a)(1)					
generators who transport ≤55 gallons from the generator to a used oil collection center	112	279.40(a)(2)					
generators who transport ≤55 gallons from the generator to a used oil aggregation point owned or operated by the same generator	112	279.40(a)(3)					
those who transport used oil from household do-it-yourselfers to a regulated used oil generator, collection center, aggregation point, processor/ re-refiner, or burner subject to Part 279; Subpart E of Part 279 applies to transportation of collected household DIY used oil from regulated used oil generators, collection centers, aggregation points, or other facilities where household DIY used oil is collected	112,122	279.40(a)(4)					
transporters who import or export used oil are subject to Part 279, Subpart E whenever the used oil is in the United States	112	279.40(b)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
used oil transported in a truck previously used to transport hazardous waste must be managed as hazardous waste unless the truck has been emptied, prior to transport, as described in 261.7 or the waste/oil mixture is determined under 279.10(b) not to be hazardous waste	112	279.40(c)					
specific used oil transporters are subject to additional provisions of Part 279 as follows:	112	279.40(d)					
transporters who generate used oil must also comply with Subpart C of Part 279	112	279.40(d)(1)					
except as 279.41 provides, transporters who process or re-refine used oil must also comply with Subpart F of Part 279	112	279.40(d)(2)					
transporters who burn off-specification used oil for energy recovery must also comply with Subpart G of Part 279	112	279.40(d)(3)					
13 transporters must also comply with Subpart H of Part 279 if they direct shipments of off-specification used oil from their facility to a used oil burner or first claim that used oil that is to be burned for energy recovery meets used oil fuel specifications	112,122	279.40(d)(4)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
transporters who dispose of used oil must also comply with Subpart I of Part 279	112	279.40(d)(5)					

RESTRICTIONS ON TRANSPORTERS WHO ARE NOT ALSO PROCESSORS OR RE-REFINERS

used oil transporters may consolidate or aggregate loads of used oil for transport; except as 279.41(b) provides, used oil transporters may not process used oil unless they also comply with the requirements for processors/re-refiners in Subpart F of Part 279	112	279.41(a)					
transporters may conduct processing operations incidental to transport, but not designed to produce used oil derived products, unless the transporter also complies with the processor/re-refiner requirements in Subpart F of Part 279	112	279.41(b)					
† transporters of used oil removed from oil bearing electrical transformers and turbines and filtered by transporter or at a transfer facility prior to being returned to its original use are not subject to the processor/re-refiner requirements in subpart F of Part 279	130	279.41(c)					

NOTIFICATION

14 used oil transporters who have not previously done	112,122	279.42(a)					
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CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
so must comply with RCRA §3010 notification requirements and obtain an EPA ID number							
a used oil transporter without an EPA ID number may obtain one by submitting either:	112	279.42(b)					
a completed EPA Form 8700-12; or	112,122	279.42(b)(1)					
a letter requesting an EPA ID number; what the letter should include	112	279.42(b)(2)					
		279.42(b)(2)(i)					
		279.42(b)(2)(ii)					
		279.42(b)(2)(iii)					
		279.42(b)(2)(iv)					
		279.42(b)(2)(v)					
		279.42(b)(2)(vi)					
		279.42(b)(2)(vii)					
USED OIL TRANSPORTATION							
a used oil transporter must deliver all used oil received to:	112	279.43(a)					
another used oil transporter with an EPA ID number	112	279.43(a)(1)					
a used oil processing/ re-refining facility with an EPA ID number	112	279.43(a)(2)					
an off-specification used oil burner facility with an EPA ID number	112	279.43(a)(3)					
an on-specification used oil burner facility	112	279.43(a)(4)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
used oil transporters must comply with all applicable requirements under DOT regulations in 49 CFR 171-180; persons transporting used oil that meets definition of hazardous material in 49 CFR 171.8 must comply with all applicable regulations in 49 CFR parts 171-180	112,122	279.43(b)					
used oil discharges	112	279.43(c)					
if there is a discharge during transport, the transporter must immediately take appropriate action to protect human health and the environment	112	279.43(c)(1)					
if an official appropriately determines that the used oil must be removed immediately to protect human health and the environment and authorizes the transport, transporters without EPA ID numbers may remove used oil discharged during transport	112	279.43(c)(2)					
an air, rail, highway or water transporter who has discharged used oil must:	112	279.43(c)(3)					
15 give notice, if required by 49 CFR 171.15, to the National Response Center	112	279.43(c)(3)(i)					
report in writing to the Director, Office of	112	279.43(c)(3)(ii)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
Hazardous Materials Regulations, Materials Transportation Bureau, Dept. of Transportation							
a water transporter who has discharged used oil must give notice as required by 33 CFR 153.203	112	279.43(c)(4)					
16 a transporter must clean up any used oil discharged during transport or take action required or approved by government officials so that the used oil discharge no longer presents a hazard to human health or the environment	112	279.43(c)(5)					

REBUTTABLE PRESUMPTION FOR USED OIL

17 used oil transporter must determine whether total halogen content of used oil transported or stored is above or below 1000 ppm	112	279.44(a)					
transporter must determine this by:	112	279.44(b)					
testing the used oil; or	112	279.44(b)(1)					
applying knowledge of the halogen content of the used oil in light of the materials or processes used	112	279.44(b)(2)					
used oil containing ≥1000 ppm total halogens is presumed to be hazardous waste; presumption may be	112,130	279.44(c)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
rebutted by demonstrating that the used oil does not contain hazardous waste; SW-846 example; where to obtain SW-846							
rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins if processed, through a tolling agreement, to reclaim metalworking oils/fluids; presumption does apply to metalworking oils/fluids if such oils/fluids are recycled in any other manner or disposed	112	279.44(c)(1)					
rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units if the CFCs are destined for reclamation; presumption applies to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units	112	279.44(c)(2)					
transporter must maintain records of analyses or information used to comply with 279.44(a), (b) & (c) for at least 3 years	112	279.44(d)					
USED OIL STORAGE AT TRANSFER FACILITIES							
used oil transporters are	112,122	279.45					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
also subject to applicable Spill Prevention, Control and Countermeasures (40 CFR Part 112); transporters are subject to Underground Storage Tank (40 CFR Part 280) standards for used oil stored in underground tanks, whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this subpart							
18 section applies to used oil transfer facilities; definition of used oil transfer facilities; transfer facilities that store used oil for more than 35 days subject to regulation under Subpart F of Part 279	112	279.45(a)					
used oil may not be stored in units other than tanks, containers, or units subject to regulation under Part 264 or 265	112	279.45(b)					
containers and aboveground tanks must be:	112	279.45(c)					
in good condition	112	279.45(c)(1)					
not leaking	112	279.45(c)(2)					
containers must have secondary containment system	112	279.45(d)					
what secondary	112	279.45(d)(1)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
containment system must, at a minimum, include		279.45(d)(1)(i)					
	112,122	279.45(d)(1)(ii)					
	122	279.45(d)(1)(iii)					
entire containment system must be sufficiently impervious to used oil to prevent release into system from migrating to soil, groundwater or surface water	112	279.45(d)(2)					
existing aboveground tanks must have a secondary containment system	112	279.45(e)					
what the secondary containment system must, at a minimum, include	112	279.45(e)(1)					
		279.45(e)(1)(i)					
		279.45(e)(1)(ii)					
		279.45(e)(1)(iii)					
entire containment system must prevent used oil release into system from migrating to soil, groundwater or surface water	112	279.45(e)(2)					
new aboveground tanks storing used oil must have a secondary containment system	112	279.45(f)					
what the secondary containment system must, at a minimum, include	112	279.45(f)(1)					
		279.45(f)(1)(i)					
		279.45(f)(1)(ii)					
		279.45(f)(1)(iii)					
entire containment system must prevent oil	112	279.45(f)(2)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
release into system from migrating to soil, groundwater or surface water							
labels	112	279.45(g)					
containers and aboveground tanks must be clearly marked "Used Oil"	112	279.45(g)(1)					
fill pipes used to transfer used oil into underground storage tanks must be clearly marked "Used Oil"	112	279.45(g)(2)					
on detection of a release of used oil to the environment that is not subject to 40 CFR 280, subpart F (UST systems), which has occurred after the effective date of the recycled used oil management program in effect in the State in which the release is located, the owner/operator must perform these cleanup steps:	112, †166	279.45(h)					
11 stop the release	112	279.45(h)(1)					
contain the released used oil	112, †166	279.45(h)(2)					
11 clean up and properly manage the released used oil and other materials	112	279.45(h)(3)					
11 repair or replace any leaking used oil storage containers or tanks	112	279.45(h)(4)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
before returning them to service							
TRACKING							
used oil transporters must keep a record of each used oil shipment accepted for transport; what the records must include	112	279.46(a)					
		279.46(a)(1)					
		279.46(a)(2)					
		279.46(a)(3)					
		279.46(a)(4)					
19 except as provided in 279.46(a)(5)(ii), signature of a representative is required	112,†130	279.46(a)(5)(i)					
† intermediate rail transporters not required to sign record of acceptance	130	279.46(a)(5)(ii)					
used oil transporters must keep a record of each used oil shipment delivered to another used oil transporter, burner, processor/re-refiner, or disposal facility; what the records must include	112	279.46(b)					
		279.46(b)(1)					
		279.46(b)(2)					
		279.46(b)(3)					
		279.46(b)(4)					
20 except as provided in 279.46(b)(5)(ii), signature of a representative is required	112,†130	279.46(b)(5)(i)					
† intermediate rail transporters not required to sign record of acceptance	130	279.46(b)(5)(ii)					
for each shipment exported to any foreign country, transporters must maintain records described in	112	279.46(c)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
279.46(b)(1)-(4)							
records described in 279.46(a), (b) & (c) must be maintained for at least 3 years	112	279.46(d)					

MANAGEMENT OF RESIDUES

transporters who generate residues must manage the residues as specified in 279.10(e)	112	279.47					
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SUBPART F - STANDARDS FOR USED OIL PROCESSORS AND RE-REFINERS

APPLICABILITY

subpart applies to owners/operators of facilities that process used oil; definition of processing and specific inclusions; exclusions:	112	279.50(a)					
transporters that conduct incidental processing operations occurring during normal course of transportation as provided in 279.41	112	279.50(a)(1)					
burners that conduct incidental processing operations occurring during normal course of used oil management prior to burning as provided in 279.61(b)	112	279.50(a)(2)					
specific processors/re-refiners who are subject to additional provisions of Part 279:	112	279.50(b)					
processors/re-refiners who generate used oil must also comply with Subpart C of Part 279	112	279.50(b)(1)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
processors/re-refiners who transport used oil must also comply with Subpart E of Part 279	112	279.50(b)(2)					
except as 279.50(b)(3)(i)&(ii) provide otherwise, processors/re-refiners who burn off-specification used oil for energy recovery must also comply with Subpart G of Part 279; exceptions	112	279.50(b)(3)					
used oil is burned in an on-site space heater meeting 279.23 requirements	112	279.50(b)(3)(i)					
used oil is burned for processing used oil, which is considered incidental to used oil processing	112	279.50(b)(3)(ii)					
processors/re-refiners who direct shipments of off-specification used oil from their facility to a used oil burner or first claim that used oil that is to be burned for energy recovery meets the used oil fuel specifications of 279.11 must also comply with Subpart H of Part 279	112	279.50(b)(4)					
processors/re-refiners who dispose of used oil also must comply with Subpart I of Part 279	112	279.50(b)(5)					

NOTIFICATION

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS		CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
					EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
14	processors/re-refiners who have not yet done so must comply with RCRA §3010 notification requirements and obtain an EPA ID number	112,122	279.51(a)					
	a processor/re-refiner without an EPA ID number may obtain one by submitting either:	112	279.51(b)					
	a completed EPA Form 8700-12; or	112	279.51(b)(1)					
	a letter requesting an EPA ID number; what the letter should include	112	279.51(b)(2)					
			279.51(b)(2)(i)					
			279.51(b)(2)(ii)					
			279.51(b)(2)(iii)					
			279.51(b)(2)(iv)					
			279.51(b)(2)(v)					
			279.51(b)(2)(vi)					
GENERAL FACILITY STANDARDS								
21	owners/operators of used oil processing and re-refining facilities must comply with the following preparedness and prevention requirements:	112	279.52(a)					
	facilities must be maintained and operated to minimize the possibility of fire, explosion, or any unplanned release of used oil to air, soil or surface water which could threaten human	112	279.52(a)(1)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
health or the environment							
unless none of the hazards posed by the used oil handled at the facility could require the equipment specified in 279.52(a)(2)(i)-(iv), all facilities must be equipped with the following:	112	279.52(a)(2)					
internal communications or alarm system capable of providing immediate emergency instruction to facility personnel	112	279.52(a)(2)(i)					
device capable of summoning emergency assistance	112	279.52(a)(2)(ii)					
portable fire extinguishers, fire control equipment, spill control equipment and decontamination equipment, and	112	279.52(a)(2)(iii)					
water at adequate volume and pressure to supply water hose streams or foam producing equipment or automatic sprinklers or water spray systems	112	279.52(a)(2)(iv)					
all communications or alarm systems, fire protection equipment, spill control equipment and decontamination equipment must be tested and maintained to assure proper operation in time of emergency	112	279.52(a)(3)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
access to communications or alarm system	112	279.52(a)(4)					
all personnel involved in any handling operation must have immediate access to an internal alarm or emergency communication device, unless device not required in 279.52(a)(2)	112	279.52(a)(4)(i)					
if only one employee is present while the facility is operating, the employee must have immediate access to a device capable of summoning external emergency assistance, unless not required in 279.52(a)(2)	112	279.52(a)(4)(ii)					
owner/operator must maintain aisle space to allow unobstructed movement of personnel and emergency equipment to any area of facility operation in an emergency, unless aisle space not needed for these purposes	112	279.52(a)(5)					
as appropriate, owner/operator must attempt to make arrangements with local authorities	112	279.52(a)(6)(i)					
arrangements to familiarize police, fire departments, and emergency response teams with the facility's layout, properties of	112	279.52(a)(6)(i)(A)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
used oil handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes							
if more than one police and fire department might respond, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with others to provide support	112	279.52(a)(6)(i)(B)					
agreements with State emergency response teams, emergency response contractors, and equipment suppliers	112	279.52(a)(6)(i)(C)					
arrangements to familiarize local hospitals with the properties of used oil handled at the facility and the types of injuries or illnesses that could result from fires, explosions, or releases	112	279.52(a)(6)(i)(D)					
if State or local authorities decline to enter into such arrangements, owner/operator must document the refusal in the operating record	112	279.52(a)(6)(ii)					
21 owners/operators of used oil processing and re-refining facilities must	112	279.52(b)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
comply with the following contingency plan and emergency procedure requirements							
purpose and implementation of contingency plan	112	279.52(b)(1)					
contingency plan required; plan must be designed to minimize hazards to human health or the environment from fire, explosion or any unplanned release to air, soil, or surface water	112	279.52(b)(1)(i)					
22 provisions of plan must be carried out immediately whenever fire, explosion or release of used oil could threaten human health or the environment	112	279.52(b)(1)(ii)					
content of contingency plan	112	279.52(b)(2)					
what the contingency plan must describe	112	279.52(b)(2)(i)					
if already prepared a Part 112 SPCC Plan, or other plan, owner/operator may amend existing plan to meet requirements of Part 279	112	279.52(b)(2)(ii)					
plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate 279.52(a)(6)	112	279.52(b)(2)(iii)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
emergency services							
plan must list names, addresses and phone numbers for primary emergency coordinator and others qualified to act as emergency coordinator in specified order; list must be kept up to date	112	279.52(b)(2)(iv)					
plan must include a list of required emergency equipment at the facility and location, physical description and brief outline of capabilities of each item; list must be kept up to date	112	279.52(b)(2)(v)					
plan must include evacuation plan if possibly necessary; evacuation plan must describe signal(s) to begin evacuation, evacuation routes and alternative routes	112	279.52(b)(2)(vi)					
contingency plan copy and all revisions must be:	112	279.52(b)(3)					
maintained at the facility	112	279.52(b)(3)(i)					
submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services	112	279.52(b)(3)(ii)					
contingency plan must be reviewed and amended whenever:	112	279.52(b)(4)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
applicable regulations are revised	112	279.52(b)(4)(i)					
the plan fails in an emergency	112	279.52(b)(4)(ii)					
the facility changes in any way that materially increases the potential for fires, explosions, or releases of used oil, or changes the response necessary in an emergency	112	279.52(b)(4)(iii)					
the list of emergency coordinators changes	112	279.52(b)(4)(iv)					
the list of emergency equipment changes	112	279.52(b)(4)(v)					
at all times, at least one employee responsible for coordinating all emergency response measures must be at the facility or on call; knowledge and authority the emergency coordinator must have; guidance responsibilities spelled out in 279.52(b)(6)	112	279.52(b)(5)					
emergency procedures	112	279.52(b)(6)					
if there is an imminent or actual emergency, the emergency coordinator or designee must immediately:	112	279.52(b)(6)(i)					
activate internal facility alarms or communication systems	112	279.52(b)(6)(i)(A)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
notify State or local agencies with designated response roles if needed	112	279.52(b)(6)(i)(B)					
emergency coordinator must immediately identify the character, exact source, amount, and real extent of any released materials; how the coordinator may do this	112	279.52(b)(6)(ii)					
concurrently, the emergency coordinator must assess possible hazards to human health or the environment; what the assessment must consider	112	279.52(b)(6)(iii)					
if release, fire, or explosion could threaten human health or the environment, emergency coordinator must report findings	112	279.52(b)(6)(iv)					
if evacuation may be advisable, emergency coordinator must immediately notify local authorities and be available to help them decide whether to evacuate local areas	112	279.52(b)(6)(iv)(A)					
emergency coordinator must immediately notify either the government official designated on-scene coordinator or the National Response Center; what the report must include	112	279.52(b)(6)(iv)(B)					
		279.52(b)(6)(iv)(B)(1)					
		279.52(b)(6)(iv)(B)(2)					
		279.52(b)(6)(iv)(B)(3)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
		279.52(b)(6)(iv)(B)(4)					
		279.52(b)(6)(iv)(B)(5)					
		279.52(b)(6)(iv)(B)(6)					
emergency coordinator must take all reasonable measures to ensure that fires, explosions and releases do not occur, recur, or spread; what measures must include	112	279.52(b)(6)(v)					
emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures if the facility stops operation because of a fire, explosion or release	112	279.52(b)(6)(vi)					
emergency coordinator must provide for recycling, storing or disposing of any material that results from a release, fire or explosion immediately after that event	112	279.52(b)(6)(vii)					
emergency coordinator must ensure that:	112	279.52(b)(6)(viii)					
no waste or used oil that may be incompatible with the released material is recycled, treated, stored or disposed of until cleanup procedures are completed	112	279.52(b)(6)(viii)(A)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
before operations resume, all emergency equipment is cleaned and fit for intended use	112	279.52(b)(6)(viii)(B)					
before operations resume, owner/operator must notify Regional Administrator and State and local officials that facility complies with 279.52(a)	112,122	279.52(b)(6)(viii)(C)					
owner/operator must note in the operating record the time, date and details of any incident that requires implementing the contingency plan; must submit written report to Regional Administrator within 15 days; what the report must include	112	279.52(b)(6)(ix)					
		279.52(b)(6)(ix)(A)					
		279.52(b)(6)(ix)(B)					
		279.52(b)(6)(ix)(C)					
		279.52(b)(6)(ix)(D)					
		279.52(b)(6)(ix)(E)					
		279.52(b)(6)(ix)(F)					
		279.52(b)(6)(ix)(G)					
REBUTTABLE PRESUMPTION FOR USED OIL							
owner/operator of a processing/re-refining facility must determine whether the total halogen content of used oil managed at the facility exceeds or is less than 1,000 ppm	112	279.53(a)					
how the owner/operator must make this determination	112	279.53(b)					
		279.53(b)(1)					
		279.53(b)(2)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
if the used oil contains ≥1,000 ppm total halogens, it is presumed to be a hazardous waste; how the owner/operator may rebut the presumption; SW-846 example; where to obtain SW-846	112,130	279.53(c)					
rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins if processed, through a tolling agreement, to reclaim metalworking oils/fluids; presumption does apply to metalworking oils/fluids if such oils/fluids are recycled in any other manner, or disposed	112	279.53(c)(1)					
rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units if the CFCs are destined for reclamation; presumption does apply to CFC-contaminated used oils mixed with used oil from sources other than refrigeration units	112	279.53(c)(2)					

USED OIL MANAGEMENT

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
used oil processors/ re-refiners are also subject to applicable Spill Prevention, Control and Countermeasures (40 CFR Part 112) and Underground Storage Tank (40 CFR Part 280) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of a hazardous waste, in addition to the Part 279, Subpart F, requirements	112,122	279.54					
processors/re-refiners may not store used oil in units other than tanks, containers, or units subject to regulation under Part 264 or 265	112,122	279.54(a)					
containers and aboveground tanks must be:	112	279.54(b)					
in good condition	112	279.54(b)(1)					
not leaking	112	279.54(b)(2)					
containers must have a secondary containment system	112	279.54(c)					
what the secondary containment system must, at a minimum, include	112	279.54(c)(1)					
		279.54(c)(1)(i)					
	112,122	279.54(c)(1)(ii)					
	122	279.54(c)(1)(iii)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
entire containment system must prevent used oil released into the system from migrating out of the system into soil, groundwater or surface water	112	279.54(c)(2)					
existing aboveground tanks used to store or process used oil must have a secondary containment system	112	279.54(d)					
what the secondary containment system must, at a minimum, include	112	279.54(d)(1)					
		279.54(d)(1)(i)					
		279.54(d)(1)(ii)					
		279.54(d)(1)(iii)					
entire containment system must prevent used oil released into the system from migrating out of the system into soil, groundwater or surface water	112	279.54(d)(2)					
new aboveground tanks used to store or process used oil must be equipped with a secondary containment system	112	279.54(e)					
what the secondary containment system must, at a minimum, include	112	279.54(e)(1)					
		279.54(e)(1)(i)					
		279.54(e)(1)(ii)					
		279.54(e)(1)(iii)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
entire containment system must prevent used oil released into the system from migrating out of the system into soil, groundwater or surface water	112	279.54(e)(2)					
labels	112	279.54(f)					
containers and aboveground tanks must be clearly marked "Used Oil"	112	279.54(f)(1)					
fill pipes used to transfer used oil into underground storage tanks must be clearly marked "Used Oil"	112	279.54(f)(2)					
on detection of a release of used oil to the environment that is not subject to 40 CFR 280 subpart F and which has occurred after the effective date of the recycled used oil management program in effect in the State in which the release is located, the owner/operator must perform these cleanup steps:	112, †166	279.54(g)					
11 stop the release	112	279.54(g)(1)					
11 contain the released used oil	112	279.54(g)(2)					
clean up and properly manage released used oil and other materials	112, †166	279.54(g)(3)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
11 repair or replace leaking storage containers or tanks before returning them to service	112	279.54(g)(4)					
closure	112	279.54(h)					
at closure, owners/operators who store or process used oil in aboveground tanks must comply with these requirements	112	279.54(h)(1)					
owner/operator must remove or decontaminate used oil residues in tanks, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil and manage them as hazardous waste; exception	112	279.54(h)(1)(i)					
if owner/operator demonstrates that not all contaminated soils can be removed or decontaminated, closure and post-closure care as for a hazardous waste landfill	112	279.54(h)(1)(ii)					
at closure, owners/operators who store used oil in containers must comply with these requirements	112	279.54(h)(2)					
containers of used oils or used oil residues must be removed from the site	112	279.54(h)(2)(i)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
owner/operator must remove or decontaminate used oil residues, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil and manage them as hazardous waste; exception	112	279.54(h)(2)(ii)					

ANALYSIS PLAN

owners/operators of used oil processing and re-refining facilities must develop and follow a written analysis plan describing procedures to be used to comply with analysis requirements of 279.53 and 279.72; plan must be kept at the facility	112	279.55					
for 279.53, what the plan must specify, at a minimum:	112	279.55(a)					
whether sample analyses or knowledge of the halogen content will be used	112	279.55(a)(1)					
if sample analyses are to be used:	112	279.55(a)(2)					
methods to be used to obtain representative samples	112	279.55(a)(2)(i)					
		279.55(a)(2)(i)(A)					
		279.55(a)(2)(i)(B)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
frequency of sampling and whether analysis will be performed on-site or off-site	112	279.55(a)(2)(ii)					
methods used to analyze for 279.53 parameters	112	279.55(a)(2)(iii)					
type of information that will be used to determine halogen content of the used oil	112	279.55(a)(3)					
if 279.72 on-specification used oil fuel requirements apply, at a minimum the plan must specify:	112	279.55(b)					
whether sample analyses or other information will be used to make this determination	112	279.55(b)(1)					
if sample analyses are used:	112	279.55(b)(2)					
methods to be used to obtain representative samples	112	279.55(b)(2)(i)					
		279.55(b)(2)(i)(A)					
		279.55(b)(2)(i)(B)					
whether used oil will be sampled and analyzed before or after processing/re-refining	112	279.55(b)(2)(ii)					
frequency of sampling and whether analysis will be performed on-site or off-site	112	279.55(b)(2)(iii)					
methods used to analyze used oil for 279.72 parameters	112	279.55(b)(2)(iv)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
type of information that will be used to make the on-specification used oil fuel determination	112	279.55(b)(3)					

TRACKING

processors/re-refiners must keep a record of each used oil shipment accepted for processing/re-refining; forms records may take; what the records must include for each shipment:	112	279.56(a)					
name and address of transporter who delivered the used oil to the processor/re-refiner	112	279.56(a)(1)					
name and address of generator or processor/re-refiner from whom the used oil was sent	112	279.56(a)(2)					
EPA ID number of transporter	112	279.56(a)(3)					
EPA ID number of generator or processor/re-refiner	112	279.56(a)(4)					
quantity of used oil accepted	112	279.56(a)(5)					
date of acceptance	112	279.56(a)(6)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
processors/re-refiners must keep record of each shipment shipped to a used oil burner, processor/re-refiner, or disposal facility; forms record may take; what the records must include for each shipment:	112	279.56(b)					
name and address of transporter who delivers the used oil to the burner, processor/re-refiner or disposal facility	112	279.56(b)(1)					
name and address of burner, processor/re-refiner or disposal facility who will receive the used oil	112	279.56(b)(2)					
EPA ID number of transporter	112	279.56(b)(3)					
EPA ID number of burner, processor/re-refiner or disposal facility	112	279.56(b)(4)					
quantity of used oil shipped	112	279.56(b)(5)					
shipment date	112	279.56(b)(6)					
records described in 279.56(a) and (b) must be maintained for at least 3 years	112	279.56(c)					
OPERATING RECORD AND REPORTING							
operating record	112	279.57					
owner/operator must keep a written operating record at the facility	112	279.57(a)(1)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
information must be recorded as it becomes available and maintained in the operating record until facility closure	112	279.57(a)(2)					
records and results of used oil analyses described in 279.55 analysis plan	112	279.57(a)(2)(i)					
23 summary reports and details of all incidents that require implementation of the contingency plan of 279.52(b)	112	279.57(a)(2)(ii)					
processor/re-refiner must send a letter by March 1 of each even-numbered year to the Regional Administrator about used oil activities during the previous calendar year; what the letter must include	112	279.57(b)					
		279.57(b)(1)					
		279.57(b)(2)					
		279.57(b)(3)					

OFF-SITE SHIPMENTS OF USED OIL

processors/re-refiners who initiate shipments off-site must use a used oil transporter with an EPA ID number	112	279.58					
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MANAGEMENT OF RESIDUES

24 residues from storage, processing, or re-refining must be managed as specified in 279.10(e)	112	279.59					
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**SUBPART G - STANDARDS FOR USED OIL BURNERS WHO BURN OFF-SPECIFICATION USED OIL
FOR ENERGY RECOVERY**

APPLICABILITY

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
Ē except as 279.60(a)(1)&(2) specify, Subpart G applies to used oil burners; definition of a used oil burner; exceptions:	112	279.60(a)					
Ē burned in an on-site space heater under 279.23 provisions	112	279.60(a)(1)					
Ē burned incidentally to processing by a processor/re-refiner	112	279.60(a)(2)					
additional provisions apply to specific activities	112	279.60(b)					
burners who generate used oil must also comply with Subpart C of Part 279	112,122	279.60(b)(1)					
burners who transport used oil must also comply with Subpart E of Part 279	112	279.60(b)(2)					
except as 279.61(b) provides, burners who process or re-refine used oil must also comply with Subpart F of Part 279	112	279.60(b)(3)					
burners must also comply with Subpart H of Part 279 if they direct shipments of off-specification used oil to a used oil burner or first claim that used oil meets used oil fuel specifications of 279.11	112	279.60(b)(4)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
burners who dispose of used oil must comply with Subpart I of Part 279	112	279.60(b)(5)					
Ë Subpart G does not apply to persons burning used oil that meets the specification of 279.11, if burner meets Part 279, Subpart H, requirements	112	279.60(c)					
RESTRICTIONS ON BURNING							
Ë off-specification used oil fuel may be burned for energy recovery only in specific devices:	112	279.61(a)					
Ë industrial furnaces identified in 260.10:	112	279.61(a)(1)					
specific boilers	112	279.61(a)(2)					
		279.61(a)(2)(i)					
		279.61(a)(2)(ii)					
		279.61(a)(2)(iii)					
Ë hazardous waste incinerators subject to Subpart O of Part 264 or 265	112	279.61(a)(3)					
burners may not process used oil unless they also comply with Subpart F of Part 279	112	279.61(b)(1)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
used oil burners may aggregate off-specification used oil with virgin oil or on-specification used oil for the purposes of burning but may not aggregate to produce on-specification used oil	112	279.61(b)(2)					

NOTIFICATION

14	burners, who have not done so, must comply with the notification requirements of RCRA §3010 and obtain an EPA ID number	112,122	279.62(a)				
	a used oil burner without an EPA ID number may obtain one by submitting:	112	279.62(b)				
	completed EPA Form 8700-12	112	279.62(b)(1)				
	a letter requesting an EPA ID number; what the letter should include	112	279.62(b)(2)				
			279.62(b)(2)(i)				
			279.62(b)(2)(ii)				
			279.62(b)(2)(iii)				
			279.62(b)(2)(iv)				
			279.62(b)(2)(v)				
			279.62(b)(2)(vi)				

REBUTTABLE PRESUMPTION FOR USED OIL

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
<p>Ë owner/operator of a burner facility must determine whether the total halogen content of used oil managed at the facility exceeds or is less than 1,000 ppm</p>	112	279.63(a)					
<p>Ë how the owner/operator must make this determination</p>	112	279.63(b)					
		279.63(b)(1)					
		279.63(b)(2)					
		279.63(b)(3)					
<p>Ë, if the used oil contains 25 ≥1,000 ppm total halogens, it is presumed to be a hazardous waste; how the owner/operator may rebut the presumption; SW-846 example; where to obtain SW-846</p>	112,130	279.63(c)					
<p>26 rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins if processed through a tolling arrangement to reclaim metalworking oils/fluids; presumption does apply to metalworking oils/fluids if such oils/fluids are recycled in any other manner or disposed</p>	112	279.63(c)(1)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
26 rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units if the CFCs are destined for reclamation; presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units	112	279.63(c)(2)					
records described in 279.63(a), (b) and (c) must be maintained for at least 3 years	112	279.63(d)					

USED OIL STORAGE

used oil burners are also subject to applicable Spill Prevention, Control and Countermeasures (40 CFR Part 112); used oil burners are subject to Underground Storage Tank (40 CFR Part 280) standards for used oil stored in underground tanks, whether or not the used oil exhibits any hazardous waste characteristics, in addition to Subpart G requirements	112,122	279.64					
used oil burners may not store used oil in units other than tanks, containers, or units subject to regulation under Part 264 or 265	112	279.64(a)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
containers and aboveground tanks must be:	112	279.64(b)					
in good condition	112	279.64(b)(1)					
not leaking	112	279.64(b)(2)					
storage containers must have a secondary containment system	112	279.64(c)					
what the secondary containment system must include, at a minimum	112	279.64(c)(1)					
		279.64(c)(1)(i)					
		279.64(c)(1)(ii)					
containment system must prevent used oil released into system from migrating out of system to soil, groundwater, or surface water	112	279.64(c)(2)					
existing aboveground tanks must have a secondary containment system	112	279.64(d)					
what the secondary containment system must include at a minimum	112	279.64(d)(1)					
		279.64(d)(1)(i)					
		279.64(d)(1)(ii)					
		279.64(d)(1)(iii)					
entire containment system must be sufficiently impervious to used oil to prevent used oil released into system from migrating out of system to soil, groundwater, or surface water	112	279.64(d)(2)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
27 new aboveground tanks must have a secondary containment system	112	279.64(e)					
what the secondary containment system must include at a minimum	112	279.64(e)(1)					
		279.64(e)(1)(i)					
		279.64(e)(1)(ii)					
		279.64(e)(1)(iii)					
entire containment system must be sufficiently impervious to used oil to prevent used oil released into system from migrating out of system to soil, groundwater, or surface water	112	279.64(e)(2)					
labels	112	279.64(f)					
containers and aboveground tanks must be clearly marked "Used Oil"	112	279.64(f)(1)					
fill pipes used to transfer used oil into underground storage tanks must be clearly marked "Used Oil"	112	279.64(f)(2)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
upon detection of a release of used oil to the environment that is not subject to Part 280, Subpart F and which has occurred after the effective date of the recycled used oil management program in effect in the State in which the release is located, a burner must perform these cleanup steps:	112, †166	279.64(g)					
11 stop the release	112	279.64(g)(1)					
11 contain the released used oil	112	279.64(g)(2)					
11 clean up and properly manage the released used oil and other materials	112	279.64(g)(3)					
11 repair or replace any leaking oil storage containers or tanks before returning them to service	112	279.64(g)(4)					

TRACKING

Ë burners must keep record of each shipment accepted; forms record may take; what the records for each shipment must include:	112	279.65(a)					
Ë name and address of transporter who delivered used oil to burner	112	279.65(a)(1)					
Ë name and address of generator or processor/re-refiner from	112	279.65(a)(2)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
whom used oil was sent							
Ë EPA ID number of the transporter	112	279.65(a)(3)					
Ë EPA ID number of generator or processor/re-refiner	112	279.65(a)(4)					
Ë quantity accepted	112	279.65(a)(5)					
Ë date of acceptance	112	279.65(a)(6)					
Ë records described in 279.65(a) must be maintained for at least 3 years	112	279.65(b)					
NOTICES							
Ë before accepting the first shipment of off-specification used oil fuel from a generator, transporter, or processor/re-refiner, the burner must provide the generator, transporter, or processor/re-refiner a one-time written and signed notice; what the notice must certify	112	279.66(a)					
		279.66(a)(1)					
		279.66(a)(2)					
Ë certification described in 279.66(a) must be maintained for 3 years after burner last receives shipment of off-specification oil from that individual	112	279.66(b)					
MANAGEMENT OF RESIDUES							
residues from storage and burning must be managed as specified in 279.10(e)	112	279.67					

SUBPART H - STANDARDS FOR USED OIL FUEL MARKETERS

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE

APPLICABILITY

Ë	this subpart applies to any person who:	112,122	279.70(a)				
Ë	directs a shipment of off-specification used oil to a used oil burner	112	279.70(a)(1)				
Ë	first claims that used oil that is to be burned for energy recovery meets the specifications of 279.11	112	279.70(a)(2)				
Ë, 28	persons who are not subject to Subpart H	112	279.70(b)				
			279.70(b)(1)				
			279.70(b)(2)				
	any person subject to the requirements of Part 279 Subpart H must also comply with one of specified Part 279 Subparts	112	279.70(c)				
			279.70(c)(1)				
			279.70(c)(2)				
			279.70(c)(3)				
			279.70(c)(4)				

PROHIBITIONS

Ë	used oil fuel marketer may initiate a shipment of off-specification used oil only to a used oil burner who:	112	279.71				
Ë	has an EPA ID number	112	279.71(a)				
Ë	burns the used oil in an industrial furnace or boiler identified in 279.61(a)	112	279.71(b)				

ON-SPECIFICATION USED OIL FUEL

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
È determination that used oil meets 279.11 fuel specifications may be made by performing analyses or obtaining copies of analyses or other information documenting that the used oil fuel meets those specifications	112,122	279.72(a)					
È generator, transporter, processor/re-refiner or burner who first claims used oil to be burned for energy recovery meets 279.11 specifications must keep analyses or other information for 3 years	112	279.72(b)					

NOTIFICATION

È, 29 a used oil fuel marketer, who has not previously done so, must comply with RCRA §3010 notification requirements and obtain an EPA ID number	112,122	279.73(a)					
a marketer without an EPA ID number may be obtain one by submitting either:	112	279.73(b)					
a completed EPA Form 8700-12; or	112	279.73(b)(1)					
a letter requesting an EPA ID number; what the letter should include	112	279.73(b)(2)					
		279.73(b)(2)(i)					
		279.73(b)(2)(ii)					
		279.73(b)(2)(iii)					
		279.73(b)(2)(iv)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
		279.73(b)(2)(v)					

TRACKING

Ë marketer who directs a shipment of off-specification used oil to a burner must keep a record of each shipment; forms record may take; each record must include:	112,122	279.74(a)					
Ë name and address of transporter who delivers used oil to burner	112	279.74(a)(1)					
Ë name and address of burner receiving used oil	112	279.74(a)(2)					
Ë EPA ID number of transporter	112	279.74(a)(3)					
Ë EPA ID number of burner	112	279.74(a)(4)					
Ë quantity shipped	112	279.74(a)(5)					
Ë shipment date	112	279.74(a)(6)					
Ë,8 generator, transporter, processor/re-refiner or burner who first claims used oil to be burned for energy recovery meets 279.11 specifications must keep a record of each shipment; each record must include:	112	279.74(b)					
Ë,8 name and address of receiving facility	112	279.74(b)(1)					
Ë,8 quantity delivered	112	279.74(b)(2)					
Ë,8 date of shipment or delivery	112	279.74(b)(3)					
Ë,8 cross-reference to	112	279.74(b)(4)					

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
analysis or other information used to determine that the oil meets 279.72(a) specification							
È records described in 279.74(a) and (b) must be maintained for at least 3 years	112	279.74(c)					

NOTICES

È before a used oil generator, transporter, or processor/re-refiner directs the first shipment of off-specification used oil fuel to a burner, burner must provide a one-time written and signed notice; what the notice must certify	112	279.75(a)					
		279.75(a)(1)					
		279.75(a)(2)					
È 279.75 certification must be maintained for 3 years from the date of the last shipment of off-specification used oil to the burner	112	279.75(b)					

SUBPART I - STANDARDS FOR USE AS A DUST SUPPRESSANT AND DISPOSAL OF USED OIL

APPLICABILITY

Subpart I applies to all used oils that cannot be recycled and are being disposed	112	279.80					
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DISPOSAL

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31, 2002** (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
used oils that are hazardous waste and cannot be recycled must be managed in accordance with Parts 260-266, 268, 270 and 124	112	279.81(a)					
used oils that are not hazardous wastes and cannot be recycled must be disposed in accordance with Parts 257 and 258	112	279.81(b)					
USE AS A DUST SUPPRESSANT							
use of used oil as a dust suppressant is prohibited; exception	112	279.82(a)					
a State may petition EPA to allow the use of used oil meeting specific requirements as a dust suppressant; what State must show; program must minimize impact on the environment	112	279.82(b)					
list of states (reserved)	112	279.82(c)					

† Optional

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31**, 2002 (cont'd)

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- 1 This definition may be changed in the future by EPA to better explain what is meant by a "used oil processor/re-refiner."
- 2 There are two typographical errors in this paragraph in the May 3, 1993 Federal Register. The heading "Characteristic hazardous waste" should be in italics, as it appeared in the September 10, 1992 final rule (57 FR 41566, Revision Checklist 112). The phrase "hazardous waste characteristic" should be "hazardous waste characteristics" to reflect the possibility of more than one characteristic.
- 3 On October 30, 1995, EPA issued an administrative stay of the regulatory provisions set forth in 40 CFR 279.10(b)(2) applicable to used oil destined for recycling that has been mixed either with characteristic hazardous waste or with waste listed as hazardous because it exhibits a hazardous waste characteristic (60 FR 55202). However, on January 19, 1996, this administrative stay was vacated by the U.S. Court of Appeals for the District of Columbia. EPA published a final rule on June 28, 1996 (61 FR 33691) that clarified the regulatory status of the mixtures of used oil and hazardous wastes destined for recycling in light of the judicial vacatur. As a result, EPA has decided that the October 30, 1995 rule was not necessary. The revision checklist for the rule has been withdrawn, and its provisions are not included in this consolidated checklist.
- 4 The May 3, 1993, final rule (58 FR 26420; Revision Checklist 122) replaced the original 279.10(c) added by Revision Checklist 112 (September 10, 1992; 57 FR 41566) with a new paragraph introducing several new subparagraphs.
- 5 Subparagraphs 279.10(e)(4)(i)&(ii) were added by Revision Checklist 112 and were subsequently removed by Revision Checklist 122.
- 6 279.10(g) was originally introduced into the Federal code as a single paragraph by Revision Checklist 112 (57 FR 41566; September 10, 1992). Revision Checklist 130 (59 FR 10550; March 4, 1994) revised 279.10(g) by replacing the old paragraph with a new heading at 279.10(g) and adding six new paragraphs, 279.10(g)(1)-(6).
- 7 There is an error in the Federal Register for Revision Checklist 122 (May 3, 1993; 58 FR 26420); according to EPA, "who market" should be "who market or burn."
- 8 The July 14, 1998 rule withdrew the revisions made by the May 6, 1998 (Revision Checklist 166) rule at 40 CFR 279.10(i) and 279.74(b) and made a correction at 40 CFR 279.10(i).
- 9 States are not required to adopt notes, but a State may want to include an analog to this note for clarity.
- 10 279.20(b)(2) was originally introduced into the Federal code as a single paragraph by Revision Checklist 112 (57 FR 41566; September 10, 1992). Revision Checklist 130 (59 FR 10550; March 4, 1994) revised 279.20(b)(2), redesignated it as 279.20(b)(2)(i), and added new subparagraphs 279.20(b)(2)(ii), (b)(2)(ii)(A)-(E).
- 11 Although this paragraph is included in the May 6, 1998 Federal Register notice (63 FR 24963; Revision Checklist 166), no changes were made to this paragraph.
- 12 As introduced into the code by Revision Checklist 112, these paragraphs were numbered 279.23(a) and (a)(1)-(3); 279.23(b) was reserved. Checklist 122 preserved the original wording and order of these paragraphs, but redesignated them as 279.23 and 279.23(a)-(c).

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31**, 2002 (cont'd)

- 13 The September 10, 1992 Federal Register included an extraneous phrase, "of this partuel Marketers", between "subpart H" and "of this part". The May 3, 1993 Federal Register intended to remove this phrase, but misquoted the phrase to be removed as "of the partial Marketers." The correct wording is "subpart H of this part" rather than "subpart H of this partuel Marketers of this part."
- 14 The May 3, 1993 rule (58 FR 26420; Revision Checklist 122) changed the text found in the September 10, 1992 rule (57 FR 41566; Revision Checklist 112), to include renotification. However, the June 17, 1993 amendment to rule 122 (58 FR 33341; Revision Checklist 122) changed the text back to the original wording in the September 10, 1992 rule.
- 15 Note that there is an error in the Federal Register at 279.43(c)(3)(i); there should be a comma after "171.15".
- 16 Note that there is a typographical error in the Federal Register at 279.43(c)(5); "used oil discharged that occurs" should be "used oil dischargeu that occurs".
- 17 Note that there is a typographical error in the Federal Register at 279.44(a); "used oil being transporter" should be "used oil being transportedu".
- 18 The Federal Register for 279.45(a) says "subpart F of this chapter" and should more specifically say "subpart F of this part".
- 19 279.46(a)(5) was originally introduced to the Federal code by Revision Checklist 112 (57 FR 41566; September 10, 1992). Revision Checklist 130 (59 FR 10550; March 4, 1994) revised 279.46(a)(5), redesignated it as 279.46(a)(5)(i), and added a new subparagraph 279.46(a)(5)(ii).
- 20 279.46(b)(5) was originally introduced to the Federal code by Revision Checklist 112 (57 FR 41566; September 10, 1992). Revision Checklist 130 (59 FR 10550; March 4, 1994) revised 279.46(b)(5), redesignated it as 279.46(b)(5)(i), and added 279.46(b)(5)(ii).
- 21 The Federal Register text for 279.52(a) and 279.52(b) includes two typographical errors: "processors" should be "processing" and "re-refiners" should be "re-refining".
- 22 The Federal Register for 279.52(b)(1)(ii) says "release or used oil" but should say "release of used oil".
- 23 There is a typographical error in the Federal Register at 279.57(a)(2)(ii): "an specified" should be "as specified".
- 24 In § 279.59, "re-fining" is an error and has been replaced in this checklist with "re-refining".
- 25 Note that there is an error in the Federal Register at 279.63(c); the "1" after "hazardous waste" should be deleted.
- 26 Paragraphs 279.63(c)(1)&(2) contain new exemptions from the rebuttable presumption that were not part of the November 29, 1985 final rule (50 FR 49164; Revision Checklist 19) and are, thus, not HSWA provisions.
- 27 The paragraph title and first sentence do not agree. Because 279.64(d) refers to existing aboveground tanks, this checklist assumes that 279.64(e) refers to new aboveground tanks.
- 28 Only 279.70(b)(1)&(2) are designated as HSWA provisions.

CONSOLIDATED CHECKLIST C10
40 CFR Part 279 as of **December 31**, 2002 (cont'd)

- ²⁹ The May 3, 1993 Federal Register shows two different changes to this paragraph. Only the first change (revision 43) correcting the wording found in the September 10, 1992 (57 FR 41566, Revision Checklist 112) version of the paragraph should be made. While the May 3, 1993 rule (58 FR 26420) changed the rest of the text so that renotification was required, the June 17, 1993 rule (58 FR 33341) changed the text back to that found in the September 10, 1992 rule.